

110TH CONGRESS
1ST SESSION

H. R. 1706

To provide for assistance to United States exporters of certain fruits and vegetables in order to ensure better access to foreign markets.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2007

Mr. NUNES (for himself and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Ways and Means and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for assistance to United States exporters of certain fruits and vegetables in order to ensure better access to foreign markets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Spe-
5 cialty Crop Export Opportunities Act of 2007”.

1 **SEC. 2. REGULATION OF EXPORTS OF PLANTS, PLANT**
2 **PRODUCTS, BIOLOGICAL CONTROL ORGA-**
3 **NISMS, AND NOXIOUS WEEDS.**

4 (a) IN GENERAL.—Subtitle A of title IV of the Agri-
5 cultural Risk Protection Act of 2000 (7 U.S.C. 7701 et
6 seq.) is amended by adding at the end the following new
7 section:

8 **“SEC. 420. REGULATION OF EXPORTS OF PLANTS, PLANT**
9 **PRODUCTS, BIOLOGICAL CONTROL ORGA-**
10 **NISMS, AND NOXIOUS WEEDS.**

11 “(a) IN GENERAL.—The Secretary may regulate
12 plants, plant products, biological control organisms, and
13 noxious weeds for export purposes.

14 “(b) DUTIES.—The Secretary shall—

15 “(1) coordinate fruit and vegetable market
16 analyses with the private sector and the Adminis-
17 trator of the Foreign Agricultural Service; and

18 “(2) make publicly available on an Internet
19 website—

20 “(A) the status of all export petitions;

21 “(B) to the greatest extent possible, an ex-
22 planation of the sanitary or phytosanitary
23 issues associated with each pending export peti-
24 tion; and

1 “(C) to the greatest extent possible, infor-
 2 mation on the import requirements of foreign
 3 countries for fruits and vegetables.

4 “(c) REGULATIONS.—The Secretary may issue regu-
 5 lations to implement this section.”.

6 (b) TABLE OF CONTENTS.—The table of contents in
 7 section 1(b) of such Act (7 U.S.C. 1501 note) is amended
 8 by inserting after the item relating to section 419 the fol-
 9 lowing new item:

“Sec. 420. Regulation of exports of plants, plant products, biological control or-
 ganisms, and noxious weeds.”.

10 **SEC. 3. RESTORATION OF IMPORT AND ENTRY AGRICUL-**
 11 **TURAL INSPECTION FUNCTIONS TO THE DE-**
 12 **PARTMENT OF AGRICULTURE.**

13 (a) REPEAL OF TRANSFER OF FUNCTIONS.—Section
 14 421 of the Homeland Security Act of 2002 (6 U.S.C. 231)
 15 is repealed.

16 (b) CONFORMING AMENDMENT TO FUNCTION OF
 17 SECRETARY OF HOMELAND SECURITY.—Section 402 of
 18 the Homeland Security Act of 2002 (6 U.S.C. 202) is
 19 amended—

20 (1) by striking paragraph (7); and

21 (2) by redesignating paragraph (8) as para-
 22 graph (7).

23 (c) TRANSFER AGREEMENT.—

1 (1) IN GENERAL.—Not later than the effective
2 date described in subsection (g), the Secretary of
3 Agriculture and the Secretary of Homeland Security
4 shall enter into an agreement to effectuate the re-
5 turn of functions required by the amendments made
6 by this section.

7 (2) USE OF CERTAIN EMPLOYEES.—The agree-
8 ment may include authority for the Secretary of Ag-
9 riculture to use employees of the Department of
10 Homeland Security to carry out authorities dele-
11 gated to the Animal and Plant Health Inspection
12 Service regarding the protection of domestic live-
13 stock and plants.

14 (d) RESTORATION OF DEPARTMENT OF AGRI-
15 CULTURE EMPLOYEES.—Not later than the effective date
16 described in subsection (e), all full-time equivalent posi-
17 tions of the Department of Agriculture transferred to the
18 Department of Homeland Security under section 421(g)
19 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))
20 (as in effect on the day before the effective date described
21 in subsection (g)) shall be restored to the Department of
22 Agriculture.

23 (e) AUTHORITY OF APHIS.—

24 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
25 retary of Agriculture shall establish within the Ani-

mal and Plant Health Inspection Service a program, to be known as the “International Agricultural Inspection Program”, under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the “Administrator”) shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

1 (3) INSPECTION ALERTS.—The Administrator
2 may issue inspection alerts, including by indicating
3 cargo to be held for immediate inspection.

4 (4) INSPECTION USER FEES.—The Adminis-
5 trator may, as applicable—

6 (A) continue to collect any agricultural
7 quarantine inspection user fee; and

8 (B) administer any reserve account for the
9 fees.

10 (5) CAREER TRACK PROGRAM.—

11 (A) IN GENERAL.—The Administrator
12 shall establish a program, to be known as the
13 “import and entry agriculture inspector career
14 track program”, to support the development of
15 long-term career professionals with expertise in
16 import and entry agriculture inspection.

17 (B) STRATEGIC PLAN AND TRAINING.—In
18 carrying out the program under this paragraph,
19 the Administrator, in coordination with the Sec-
20 retary of Agriculture, shall—

21 (i) develop a strategic plan to incor-
22 porate import and entry agricultural in-
23 spectors into the infrastructure protecting
24 food, fiber, forests, bioenergy, and the en-
25 vironment of the United States from ani-

mal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills.

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the “Secretary”) shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

1 (A) COMMUNICATION SYSTEM.—The Sec-
2 retary shall develop and maintain an integrated,
3 real-time communication system with respect to
4 import and entry agricultural inspections to
5 alert State departments of agriculture of sig-
6 nificant inspection findings of the Animal and
7 Plant Health Inspection Service.

8 (B) ADVISORY COMMITTEE.—

9 (i) ESTABLISHMENT.—The Secretary
10 shall establish a committee, to be known as
11 the “International Trade Inspection Advi-
12 sory Committee” (referred to in this sub-
13 paragraph as the “committee”), to advise
14 the Secretary on policies and other issues
15 relating to import and entry agricultural
16 inspection.

17 (ii) MODEL.—In establishing the com-
18 mittee, the Secretary shall use as a model
19 the Agricultural Trade Advisory Com-
20 mittee.

21 (iii) MEMBERSHIP.—The committee
22 shall be composed of members rep-
23 resenting—

24 (I) State departments of agri-
25 culture;

1 (II) directors of ports and air-
2 ports in the United States;
3 (III) the transportation industry;
4 (IV) the public; and
5 (V) such other entities as the
6 Secretary determines to be appro-
7 priate.

8 (3) REPORT.—Not less frequently than once
9 each year, the Secretary shall submit to Congress a
10 report containing an assessment of—

11 (A) the resource needs for import and
12 entry agricultural inspection, including the
13 number of inspectors required;

14 (B) the adequacy of—

15 (i) inspection and monitoring proce-
16 dures and facilities in the United States;
17 and

18 (ii) the strategic plan developed under
19 subsection (e)(5)(B)(i); and

20 (C) new and potential technologies and
21 practices, including recommendations regarding
22 the technologies and practices, to improve im-
23 port and entry agricultural inspection.

24 (4) FUNDING.—The Secretary shall pay the
25 costs of each import and entry agricultural inspector

1 employed by the Animal and Plant Health Inspec-
2 tion Service—

3 (A) from amounts made available to the
4 Department of Agriculture for the applicable
5 fiscal year; or

6 (B) if amounts described in subparagraph
7 (A) are unavailable, from amounts of the Com-
8 modity Credit Corporation.

9 (g) EFFECTIVE DATE.—The amendments made by
10 this section take effect on the date that is 180 days after
11 the date of enactment of this Act.

12 **SEC. 4. REPORTS OF TRADE ADVISORY COMMITTEES.**

13 Whenever the Agricultural Policy Committee on
14 Trade or the Agricultural Technical Advisory Committee
15 on Trade in Fruits and Vegetables, established under sec-
16 tion 135 of the Trade Act of 1974, provides any rec-
17 ommendations to the United States Trade Representative,
18 that committee shall at the same time provide those rec-
19 ommendations to the Committee on Agriculture and the
20 Committee on Ways and Means of the House of Rep-
21 resentatives and to the Committee on Agriculture and the
22 Committee on Finance of the Senate.

1 **SEC. 5. REPORT ON FOREIGN AGRICULTURAL SERVICE**
2 **STAFFING LEVELS FOR MONITORING OTHER**
3 **COUNTRIES' COMPLIANCE WITH TRADE**
4 **AGREEMENTS.**

5 Not later than 60 days after the date of the enact-
6 ment of this Act, the Secretary of Agriculture shall submit
7 to Congress a report—

8 (1) evaluating the ability of the Foreign Agri-
9 cultural Service to adequately monitor other coun-
10 tries' compliance with the terms of the Uruguay
11 Round Agreements and the terms of other agree-
12 ments (including NAFTA and other bilateral agree-
13 ments) to ensure that the United States realizes the
14 full benefits of these agreements as they relate to
15 agricultural commodities; and

16 (2) containing the recommending of the Sec-
17 retary regarding whether current vacancies in the
18 monitoring office of the Foreign Agricultural Service
19 should be filled.

20 **SEC. 6. FEASIBILITY REPORT REGARDING EXPORT INDEM-**
21 **NIFICATION FOR UNSUBSIDIZED COMMOD-**
22 **ITIES.**

23 Not later than January 1, 2008, the Secretary of Ag-
24 riculture shall submit to Congress a report evaluating the
25 feasibility and cost of establishing an indemnity program
26 for exporters of articles classified under chapters 7 and

1 8 of the Harmonized Tariff Schedule of the United States
2 that will provide compensation to those exporters when
3 they comply fully with United States export and foreign
4 country import requirements for the articles, but the arti-
5 cles are wrongfully denied entry into the foreign country.

6 **SEC. 7. TREATMENT OF UNSUBSIDIZED COMMODITIES**
7 **UNDER AGREEMENT ON AGRICULTURE.**

8 The United States Trade Representative shall pro-
9 pose in the Doha Round of negotiations conducted under
10 the auspices of the World Trade Organization that all arti-
11 cles classified under chapters 7 and 8 of the Harmonized
12 Tariff Schedule of the United States be excluded from cov-
13 erage under article 13 of the Agreement on Agriculture
14 referred to in section 101(d)(2) of the Uruguay Round
15 Agreements Act (19 U.S.C. 3511(d)(2)).

16 **SEC. 8. SPECIAL EXPORT CREDIT GUARANTEE PROGRAM.**

17 The Secretary of Agriculture shall establish and
18 maintain a program of export credits that is, as nearly
19 as may be, identical to the program administered under
20 sections 1493.400 through 1493.530 of title 7, Code of
21 Federal Regulations, except that—

22 (1) either an exporter to, or an importer in, a
23 foreign place shall be eligible for a credit guarantee;

1 (2) the guarantee shall be for a period of 45
2 days beginning on the date of issuance of the guar-
3 antee; and

4 (3) the cost of the guarantee shall not exceed
5 45 cents for each \$100 of coverage purchased.

6 **SEC. 9. AUTHORIZATION LEVELS FOR EMERGING MARKET**
7 **CREDIT PROGRAM.**

8 Section 1542 of the Food, Agriculture, Conservation,
9 and Trade Act of 1990 (7 U.S.C. 5622 note) is amend-
10 ed—

11 (1) in subsections (a) and (d)(1)(A)(i) by strik-
12 ing “2007” and inserting “2013”; and

13 (2) in subsections (a) and (d) (1)(H) by strik-
14 ing \$10,000,000” and inserting “\$20,000,000”.

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) NAFTA.—The term “NAFTA” means the
18 North American Free Trade Agreement.

19 (2) URUGUAY ROUND AGREEMENTS.—The term
20 “Uruguay Round Agreements” means the agree-
21 ments referred to in section 101(d) of the Uruguay
22 Round Agreements Act (19 U.S.C. 3511(d)).

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